

Response to First Office Action Kisenwether Application No. 10/685,875
Amendment Dated 11/30/05
Reply to Office Action 6/07/05

REMARKS/ARGUMENTS

An interview was conducted with the examiner on October 7, 2005. The interview is summarized in the attached form. Claim number 1 was discussed in detail including some discussion of the content of the claim that would render it allowable. Claims 2-10 were discussed briefly. It was agreed that Claims 11 and 12 would be withdrawn as being overbroad. The indefiniteness rejection under 35 U.S.C. 112 was discussed and remedied.

Claims 1 through 10 remain in this application. Claims 11 and 12 have been withdrawn.

Claims 1, 10, and 12 are amended to remove the indefiniteness rejection under 35 U.S.C. 112 by changing "the surface" to "a surface" in claim 1, line 12, claim 10, line 13, and claim 12, line 3.

Claims 11 and 12 are withdrawn in light of the 35 U.S.C. 102(e) rejection.

The examiner rejected claims 1 – 10 as being unpatentable under 35 U.S.C. 103(a) over Krueger et al in view of Patterson. The discussion presented below distinguishes the present Kisenwether invention from the Krueger and Patterson patents and presents further discussion as to why the present invention is non-obvious.

There are several features of the present invention which dramatically distinguish it from the prior art and combinations of the prior art. First and foremost, the present invention is an

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integrated, self-propelled, mulch transporting, grinding/mulching, and spreading system that is highway legal, as is disclosed in the last three paragraphs of the background of the specification. The inventions disclosed in the Krueger and Patterson patents are devices which, even when they are combined, do not accomplish all of the tasks that the present invention can. The fact that the present invention can be loaded with a significantly higher amount of vegetation than the prior art, while at the same time having the ability to transport this material to the job site without obtaining special highway permits, and subsequently deliver, grind, and spread the mulch at the job site without the need for an additional vehicle to hold additional bales, is a significant distinguishing feature. The importance of this feature can not be overemphasized as it renders the present invention a very cost-effective device when compared to the prior art.

A second major distinguishing feature is the unique design of the instant invention which places the shredders close to the shroud. By locating the shredders close to the shroud, there is no place for the shredded mulch to rest and accumulate. The shredded mulch is continually fluidized in the fast moving air that is being drawn into the intake of the dispersal blower for eventual dispersal onto the ground. Other multiple bale shredder/dispersal apparatuses require not only a dispersal blower, but also another mechanism for propelling the shredded vegetation into the dispersal blower. By placing the shredders between 0.25 and 12 inches from the shroud, the need for an additional mechanism is eliminated.

A third major distinguishing feature of the instant invention is the fact that in the preferred mode, there are three sets of chains that move the bales of straw into the shredder. The three

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sets of chains are important in that they are designed to accommodate (i.e. lie alongside) the two frame rails that are inherent in virtually all heavy duty trucks and vehicles. The Patterson patent discloses only two sets of chains. Invariably, having only two sets of chains would require the two sets to be mounted on an additional platform. This additional platform adds to the overall height of the apparatus thereby raising the center of gravity leading to greater instability, weakens the conveyor floor, and adds to manufacturing costs.

The Patterson patent appears to teach away from the instant invention. It is clearly agricultural in that it is designed to grind and mix a ratio of high and low quality baled vegetation. Patterson's two parallel conveyors are simultaneously and independently driven at different speeds to provide the desirable ratio. The Patterson invention therefore requires a significantly greater amount of machinery and control mechanisms to accomplish its intended purpose.

Patterson continually teaches the use of simultaneously feeding bales into the shredders solely for the purpose of mixing a ratio of livestock feed. Patterson does not disclose or teach the fundamental purpose of increasing the amount of stored material on the conveyor, which is a vital attribute in a device such as the instant invention that must travel on public roads and highways and must frequently travel significant distances to load additional bales of hay. Patterson's machine is clearly designed for use on a farm where the source of baled vegetation is relatively close.

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The instant invention, on the other hand, uses the simultaneous feeding of bales to enable the user to significantly increase the amount of stored and transported material. This larger amount of stored material is transported over local and state roads and highways to the job site and then shredded and dispersed without a required interruption to reload. The overall concept of the self-propelled and highway-legal mechanism capable of hauling, shredding, and dispersing up to six large bales and potentially as many as nine bales of hay or similar vegetation renders the instant invention non-obvious with regard to Krueger et al and Patterson.

Finally, while the Patterson patent implicitly discloses the ability to handle up to 98 inches of combined bale width, there is doubt as to the highway legality of Patterson's invention due to the additional appurtenances displayed in Fig. 1 of Patterson that undoubtedly extend the total envelope width of the invention well past 102 inches. These additional appurtenances would undoubtedly render the Patterson invention illegal for normal road/highway transportation. Therefore, additional permitting would be required from local and state road and highway officials. The present invention is designed with this important parameter of highway-legality as a first principle.

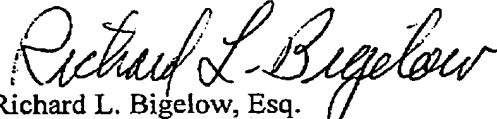
Also a combination of the Patterson and Krueger et al inventions as suggested would also extend past the legal limit of 102 inches. The instant invention rigorously guards the 102 inch maximum allowable width and is therefore distinguishable from the Patterson invention and the combination of Patterson and Krueger inventions.

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Applicant respectfully submits that the Patterson patent, being purely agricultural and therefore not subject to the constraints of traveling on the public thoroughfares, teaches away from Krueger and therefore it is not appropriate to combine these references in order to make an obviousness rejection. Applicant further respectfully submits that combining the Patterson and Krueger patents would not render Applicant's instant invention obvious to one of ordinary skill in the art. In support of the foregoing statement, there appears to be no commercially available machine or reference to a machine that can legally transport, grind and disperse enough mulching material to complete a mulching job of what the industry would refer to as average size.

Please contact the undersigned at 860-930-3074 if you have any comments or questions.

Respectfully submitted,



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Attachments